



Attorney Docket No. 172.2.USDC2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bischofberger, et al.

Serial No.: 09/801,164

Group No.: 1653

Filed: March 7, 2001

Examiner: David Lukton

For: Nucleotides Analogs

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Mail Stop AF

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed

May 15, 2003 finally rejecting claims 52

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

- a small entity - verified statement:
 - attached.
 - already filed.
- other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8 (a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Robin Torres

(Type or print name of person mailing paper)

Date: September 15, 2003

(Signature of person mailing paper)

09/23/2003 MGEBREM1 00000009 071250 09801164

01 FC:1401 320.00 DA
02 FC:1251 110.00 DA

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17 (e) the fee for filing the Notice of Appeal is:

<input type="checkbox"/> small entity	\$160.00
<input checked="" type="checkbox"/> other than a small entity	\$320.00
Notice of Appeal fee due \$ <u>320.00</u>	

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (a) (fees: 37 CFR 1.17 (a)-(d)) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input checked="" type="checkbox"/>	one month	\$110.00	\$55.00
<input type="checkbox"/>	two months	\$410.00	\$205.00
<input type="checkbox"/>	three months	\$930.00	\$465.00
<input type="checkbox"/>	four months	\$1,450.00	\$725.00

Fee \$ 110.00

If an additional extension of time is required please consider this a petition therefor.

An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 110.00

OR

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 320.00

Extension fee (if any) \$ 110.00

TOTAL FEE DUE \$ 430.00

5. FEE PAYMENT

Attached is check in the sum of \$ _____

Charge Account No. 07-1250 the sum of \$ 430.00

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required,
charge Account No. 07-1250

AND/OR

If any additional fee for claims is required,
charge Account No. 07-1250

Reg. No. 35,071

Tel. No.: (650) 522-5569

MLB

SIGNATURE OF ATTORNEY

Mark L. Bosse

Type or print name of attorney

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